IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1328 OF 2004

Mr.Ashish Bagrodia S/o.R.C.Bagrodia ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

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Mr.A.M.Saraogi for Applicant.

Mr.R.Y.Mirza, A.P.P. for Respondent No.1.

Mr.P.S.Anand for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 23, 2005.

P.C.

1. By this Application, the Applicant prays for direction that his personal appearance in case No.998/S/2000 filed by Respondent No.2 be dispensed with. The ground on which this request is made is that, the Applicant is a handicapped person and is required to be carried to the Court with the assistance of an escort. The Applicant through his Counsel states that if his personal appearance is

dispensed with, he will not press any technical plea regarding his non-appearance at any stage of the trial till the Judgment, and also record his plea through his Advocate. That assurance is accepted.

2. In view of the assurance given by the Applicant and the peculiar facts of the present case and the physical disability of the Applicant, personal appearance of the Applicant before the Trial Court is dispensed with on the above condition.

3. The Trial Court is directed to expedite the hearing in terms of the recent decision of the Division Bench of this Court.

A.M.KHANWILKAR, J.